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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2009-243

LAURA LYNN WHEATON
a.k.a. LAURA LYNN CONGDON,
a.k.a. LAURA LYNN COFFEY
992 Hogwarts Circle
Petaluma, CA 94954

A C C U S A T I O N

Registered Nurse License No. 568107

Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

2. On or about July 6, 2000, the Board issued Registered Nurse License Number 568107 to Laura Lynn Wheaton, a.k.a. Laura Lynn Congdon, a.k.a. Laura Lynn Coffey ("Respondent"). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2010, unless renewed.

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1 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
2 entries in any hospital, patient, or other record pertaining to the substances described in
3 subdivision (a) of this section.

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5 8. Section 4060 of the Code states, in pertinent part, that no person shall
6 possess any controlled substance, except that furnished to a person upon the prescription of a
7 physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a
8 certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section
9 2836.1, or a physician assistant pursuant to Section 3502.1.

10 9. Section 11173(a) of the Health and Safety Code states that "[n]o person
11 shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the
12 administration of or prescription for controlled substances, (1) by fraud, deceit,
13 misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

14 10. Code section 125.3 provides, in pertinent part, that the Board may request
15 the administrative law judge to direct a licensee found to have committed a violation or
16 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
17 and enforcement of the case.

18 CONTROLLED SUBSTANCES

19 11. **"Morphine/Morphine Sulfate"** is a Schedule II controlled substance as
20 designated by Health and Safety Code section 11055(b)(1)(M).

21 12. **"Dilaudid"** is a brand of hydromorphone, a Schedule II controlled
22 substance as designated by Health and Safety Code section 11055(b)(1)(K).

23 FIRST CAUSE FOR DISCIPLINE

24 **(Obtaining, Possessing and Self-Administering Controlled Substances)**

25 13. Respondent is subject to disciplinary action under section 2671(a) of the
26 Code, on the grounds of unprofessional conduct, as defined by section 2762(a) of the Code, in
27 that between the approximate period of March 7, 2004 and March 11, 2004, while on duty as a
28 registered nurse at Novato Community Hospital in Novato, California, Respondent did the

1 following:

2 a. Respondent obtained Morphine Sulfate and Dilaudid, controlled
3 substances, by fraud, deceit, misrepresentation, subterfuge, or by concealment of a material fact
4 in violation of section 11173(a) of the Health and Safety Code, by taking Morphine Sulfate and
5 Dilaudid from hospital supplies, as set forth in paragraph 14, below.

6 b. Respondent possessed Morphine Sulfate and Dilaudid, controlled
7 substances, in violation of section 4060 of the Code.

8 c. Respondent self-administered an unknown quantity of Morphine Sulfate
9 and Dilaudid, without direction from a licensed physician and surgeon, dentist, or podiatrist.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Falsify Patient and/or Hospital Records)**

12 14. Respondent is subject to disciplinary action under section 2761(a) of the
13 Code, on the grounds of unprofessional conduct, as defined by section 2762(e) of the Code, in
14 that between the approximate period of March 7, 2004 and March 11, 2004, while on duty as a
15 registered nurse at Novato Community Hospital in Novato, California, she falsified, made
16 grossly incorrect, grossly inconsistent, or unintelligible entries in hospital and/or patient records
17 in the following respects:

18 **Patient A.A.**

19 a. On or about March 7, 2004, at 10:54 hours, Respondent withdrew 2 mg.
20 Dilaudid for this patient; however, there was no physician order for Dilaudid. Respondent failed
21 to chart the administration of the Dilaudid in any patient or hospital record.

22 **Patient E.B.**

23 b. On or about March 22, 2004, at 07:30 hours, Respondent withdrew 2 mg.
24 Dilaudid for this patient; however, there was no physician order for Dilaudid. Respondent failed
25 to chart the administration of the Dilaudid in any patient or hospital record.

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1 **Patient J.B.**

2 c. On or about March 22, 2004, at 14:41 hours, Respondent withdrew 2 mg.
3 Dilaudid for this patient, however, there was no physician order for Dilaudid and this patient was
4 not assigned to Respondent. Respondent failed to chart the administration of the Dilaudid in any
5 patient or hospital record.

6 **Patient K.B.**

7 d. On or about March 17, 2004, at 10:23 hours, Respondent withdrew 2 mg.
8 Dilaudid for this patient, however, there was no physician order for Dilaudid. Respondent failed
9 to chart the administration of the Dilaudid in any patient or hospital record.

10 **Patient L.R.**

11 e. On or about March 24, 2004, at 10:07 hours, Respondent withdrew 2 mg.
12 Dilaudid for this patient, however, there was no physician order for Dilaudid. Respondent failed
13 to chart the administration of the Dilaudid in any patient or hospital record.

14 f. On or about March 24, 2004, at 13:08 hours, Respondent withdrew 4 mg.
15 Dilaudid for this patient, however, there was no physician order for Dilaudid. Respondent failed
16 to chart the administration of the Dilaudid in any patient or hospital record.

17 **Patient L.E.**

18 g. On or about March 11, 2004, Respondent withdrew a total of 12 mg.
19 Morphine Sulfate and a total of 6 mg. Dilaudid for this patient. Respondent charted the
20 administration of 8 mg. Morphine Sulfate and 4 mg. Dilaudid. Respondent failed to account for
21 the remaining 4 mg. Morphine Sulfate and the remaining 2 mg. Dilaudid.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Use of Controlled Substances)**

24 15. Respondent is subject to disciplinary action under section 2671(a) of the
25 Code, on the grounds of unprofessional conduct, as defined by section 2762(a) of the Code, in
26 that between the approximate period of April 16, 2004 and May 20, 2005, while in the Board's
27 Diversion Program, Respondent used the following controlled substances:
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- 1 a. On or about October 14, 2004, Respondent tested positive for
2 amphetamine.
- 3 b. In or about April, 2005, Respondent used four (4) Vicodin.
- 4 c. On or about May 11, 2005, Respondent tested positive for Morphine.
- 5 16. On or about May 20, 2005, Respondent was terminated from the Board's
6 Diversion Program as a public safety risk for her use of controlled substances and other
7 noncompliance.


8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 568107, issued
12 to Laura Lynn Wheaton, a.k.a. Laura Lynn Congdon, a.k.a. Laura Lynn Coffey;
- 13 2. Ordering Laura Lynn Wheaton, a.k.a. Laura Lynn Congdon, a.k.a. Laura
14 Lynn Coffey to pay the Board of Registered Nursing the reasonable costs of the investigation and
15 enforcement of this case, pursuant to Code section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.
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18 DATED: 4/14/09

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20 
21 RUTH ANN TERRY, M.P.H., R.N.
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant
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